REMARKS/ARGUMENTS

This responds to the Office Action mailed on January 6, 2005. Claims 1-25 are pending in the present application. Claims 1-25 are rejected. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

The 35 U.S.C. §102(e) Rejections

The Examiner rejected claims 1-5, 7-11, 13-18, 20-23 and 25 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,711,660 to Milne et al (Milne). According to the specification for the invention, what is needed is a system and method for enabling reconfiguration of the computer system to allow for partial access to a hardfile by the operating system, utilities and in some cases certain applications of the computer system while preserving user data and applications.

In contrast, as stated in the background of Milne, what is needed is a solution to the boot error problem that doesn't depend on a user locating removable media which is subject to loss or misplacement and which cannot easily be corrupted by a virus or other malicious program. With that in mind, Milne discloses a system and method for performing disk drive diagnostics and restoration using a host-inaccessible partition. (Abstract)

In order to support a rejection under §102(e), each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Claim 1 recites:

A method for access control of a hardfile, responsive to a hardfile controller included in a computer system having an operating system performing a pre-boot test, comprising the steps of:
a)   detecting a boot condition during the pre-boot test; and
b)   altering, in response to the boot condition, an operating system access configuration of the hardfile.

The Examiner maintains that Milne anticipates claim 1. The Applicant respectfully disagrees. Specifically, the Applicant maintains that Milne fails to disclose "altering, in response to the boot condition, an operating system access configuration of the hardfile." The distinction in Milne between an operating system, PC services, and diagnostic software will be discussed, followed by Milne's description of PC services and how that differs from claim 1.

First, Milne distinguishes between an operating system, PC services, and diagnostic software. "Diagnostic software is stored in the hidden partition 56 (step 101). A user preferred operating system, also known herein as a host-selected operating system, is loaded in the user area of the user partition." Col. 4, lines 58-61. "[T]he user can load and execute PC Services rather than the user's preferred operating system" allowing "the user to load and execute diagnostic software." Col. 5, lines 20-24. The diagnostic software of Milne is stored in a different area than the operating system, and the user may opt between executing the operating system or PC services. Milne clearly separates the operating system, PC services, and diagnostic software.

Second, upon running PC services in Milne, the PC logic is loaded and executed from the hidden partition. Col. 5 lines 57-58. In other words, rather than running the operating system, PC services is activated. Claim 1 recites "altering, in response to the boot condition, an *operating system* access configuration of the hardfile." Milne has not altered the operating system at all, in fact Milne is not even accessing or using the operating system when running PC services. Once PC services is running, a user has the option to "run diagnostics; restore the user system image; *or boot to the normal (e.g. host-selected) operating system.*" Col. 6, lines 6-7. Clearly PC services is not a part of the normal operating system.

While PC services does allow a user access to the hidden partition through the diagnostic software, and if the Examiner analogizes PC services to an operating system, there is still no altering of PC services or the host-selected operating system in Milne, and no change of the access configuration of either. Rather, Milne discloses using a different program than the operating system to access software in the hidden partition. Milne does not disclose altering the access configuration of either PC services or the host-selected operating system. Accordingly, Milne fails to teach or suggest "altering, in response to the boot condition, an operating system access configuration of the hardfile," as recited in claim 1.

Accordingly, based on the above-mentioned argument, claim 1 is allowable over the cited reference. In addition, claims 2-3 and 5 are allowable since they depend from an allowable base claim.

The Applicant respectfully disagrees with the Examiner's assertion that Milne anticipates claim 4. Claim 4 recites, "The method of claim 1 wherein the operating system is stored on a first part of the hardfile and user data is stored on a second part of the hardfile, and wherein the altering step b) sets the hardfile access to exclude the second part of the hardfile from access by the operating system." In Milne, " a user preferred operating system . . . is loaded in the user area of the user partition 18." Col. 4, lines 59-61. User partition 18 is also referred to as user partition 52, see FIG. 2 and column 4, lines 56-57. The above-cited portion of Milne contradicts the Examiner's assertion that the operating system and user data of Milne are stored in separate parts of the hardfile, one of which becomes inaccessible due to the altering step. Milne does not teach or suggest that the hidden partition 56, user partition 52, and drive management partition 54 ever change their levels of accessibility with respect to an altering of an operating system access configuration. Therefore, the

Applicant respectfully submits that the rejection of claim 4 cannot be maintained for the above-identified reasons.

Accordingly, claim 4 is in condition for allowance because Milne does not teach or suggest the recited invention. In addition, claim 4 is dependent upon allowable claim 1 and is therefore similarly allowable. Claim 6 is allowable since it depends from an allowable base claim.

Although independent claims 7, 13-19 and 23 differ from claim 1, similar arguments to those presented for claim 1 apply to these claims as well. Accordingly, the Applicant respectfully submits that claims 7, 13-19 and 23 are allowable. Finally, claims 8-12, 20-22, and 24-25 are allowable since they depend from allowable base claims.

Accordingly, the Applicant respectfully requests reconsideration and allowance of claims 1-25 as now presented. Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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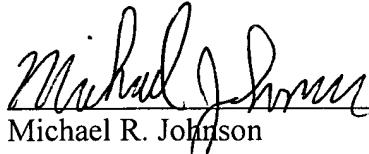
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